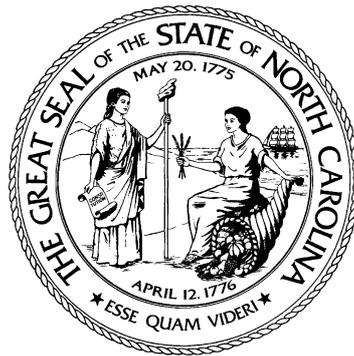


**JOINT LEGISLATIVE TRANSPORTATION  
OVERSIGHT COMMITTEE**



**REPORT TO THE  
2004 SESSION OF THE  
2003 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

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April 12, 2004

TO THE MEMBERS OF THE 2003 GENERAL ASSEMBLY (REGULAR SESSION 2004):

The Joint Legislative Transportation Oversight Committee herewith submits to you for your consideration its April 2004 report. The report was prepared by the Joint Legislative Transportation Oversight Committee pursuant to G.S. 120-70.51(b).

---

Representative Jim Crawford

---

Senator Clark Jenkins

---

Representative Danny McComas

Cochairs

JOINT LEGISLATIVE TRANSPORTATION  
OVERSIGHT COMMITTEE

# **COMMITTEE PROCEEDINGS**

## **October 21, 2003**

The first meeting of the Joint Legislative Transportation Oversight Committee in the 2003-2004 interim took place at 1:00 p.m. October 21, 2003 in room 1228 of the Legislative Building.

The Committee heard presentations from: Steve Varnedoe, Chief Engineer of Operations, DOT, on the Moving Ahead bill (House Bill 48 from the 2003 Session), and on response to Hurricane Isabel damage. The Committee also heard from Calvin Leggett, Manager, Program Development Branch, DOT, on the I-95 toll study, and from Evan Rodewald, Committee Staff, on the status of the Committee's DOT Project Delivery Study.

## **December 8, 2003**

The second meeting of the Committee in the 2003-2004 interim took place December 8, 2003 at 10:00 a.m. in room 1228 of the Legislative Building.

The Committee heard presentations from: Ralph Campbell, Jr., State Auditor, on a performance audit of State aircraft operations; Colonel Richard W. Holden, Commanding Officer, State Highway Patrol, on speeding enforcement; David King, Deputy Secretary for Transit, DOT, on a Board of Transportation resolution for approval of advance of the State share for Charlotte and Triangle Transit Authority new start rail projects, and on the Chapel Hill transit facility; Cameron Lee, Jr., Director, General Services Division, DOT, on funds for unsafe and obsolete facilities; Paul LeSieur, Director, School Business Division, Department of Public Instruction, on driver education privatization; and Steven DeWitt, State Construction Engineer, DOT, on design-build projects.

## **February 10, 2004**

The third meeting of the Committee in the 2003-2004 interim took place February 10, 2004 at 10:00 a.m. in room 1228 of the Legislative Building.

The Committee heard presentations from: George Tatum, Commissioner, Division of Motor Vehicles, on new requirements for identification at DMV driver license offices; and from the following persons on truck related issues: Dr. Ron Hughes, Manager, Human Factors Research, Highway Safety Research Center, University of North Carolina at Chapel Hill, on safety trends and issues; Colonel Richard W. Holden, Commanding Officer, State Highway Patrol, on integrating the Motor Carrier Enforcement officers into the State Highway Patrol and the status of recruitment efforts; Major Charles J. Carden, Section Director, Motor Carrier Enforcement, State Highway Patrol, on Motor Carrier Enforcement issues and programs and a program update on CVISN and PRISM; and Burton Lawson, on the Prepass automatic vehicle identification system. In addition, the Committee heard from Senator John Garwood on adjusting weight limits and penalties for trucks transporting aggregates; and Lacy Love, Director, Asset

Management, DOT, on the impact of truck weight on roads and bridges. In addition, the Committee heard from Scott Saylor, President, NC Railroad; and from David King, Deputy Secretary for Transit, DOT, on Moving Ahead transit allocations.

### **March 8, 2004**

The fourth meeting of the Committee in the 2003-2004 interim took place March 8, 2004 at 10:00 a.m. in Room 1228 of the Legislative Building.

The Committee heard presentations from: Tony Spence, Vehicle Registration, DMV, on special registration plates; Colonel Richard Holden, Commanding Officer, State Highway Patrol, on special registration plate background law enforcement issues; George Ivey, North Carolina Director/Director of Development, Friends of the Smokies, on special plate fee issues; Giles Perry, Committee Staff, and DOT representatives, on DOT draft legislative proposals for the short session; Giles Perry, Committee Staff, and Betsy Bailey, Executive Director, North Carolina Public Transportation Association, on draft legislative proposals related to public transportation; Steve DeWitt, Director of Construction, DOT, on questions about contractor availability; David King, Deputy Secretary for Transit, DOT, on the Full Funding Grant Agreement for public transit; and Lacy Love, Director of Asset Management, DOT, on the DOT productivity pilot program.

### **April 12, 2004**

The fifth and final meeting of the Committee in the 2003-2004 interim took place April 12, 2004 at 10:00 a.m. in Room 1228 of the Legislative Building.

The Committee reviewed and recommended for introduction to the short session of the General Assembly the proposed legislation included in this report. The Committee also heard presentations from: Steve Humphrey, Senior Partner, MGT of America, on DOT's second generation disparity study; Gene Conti, Vice Chairman, Board of Directors, GTP Authority, on the Global TransPark; and David Henderson, State Hydraulics Engineer, DOT, on stormwater management.

**MEMBERSHIP OF THE  
JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE  
2003-2004  
G.S. 120-70.50**

**Pro Tempore's Appointments**

**Speaker's Appointments**

Sen. Samuel Clark Jenkins                      Co-Chair  
North Carolina General Assembly  
Legislative Office Building, Rm 409  
Raleigh, NC 27603-5925  
(919) 715-3040

Rep. James Walker Crawford, Jr.              Co-Chair  
North Carolina General Assembly  
Legislative Building, Rm 1301  
Raleigh, NC 27601-1096  
(919) 733-5824

Sen. Philip Edward Berger                      Member  
North Carolina General Assembly  
Legislative Building, Rm 1121  
Raleigh, NC 27601-2808  
(919) 733-5708

Rep. Daniel F. McComas                      Co-Chair  
North Carolina General Assembly  
Legislative Office Building, Rm 506  
Raleigh, NC 27603-5925  
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Sen. Robert Clarence Carpenter              Member  
North Carolina General Assembly  
Legislative Office Building, Rm 517  
Raleigh, NC 27603-5925  
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Rep. Harold J. Brubaker                      Member  
North Carolina General Assembly  
Legislative Building, Rm 1229  
Raleigh, NC 27601-1096  
(919) 715-4946

Sen. Hamilton Cowles Horton, Jr.              Member  
North Carolina General Assembly  
Legislative Building, Rm 1117  
Raleigh, NC 27601-2808  
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Rep. Lorene Thomason Coates              Member  
North Carolina General Assembly  
Legislative Office Building, Rm 633  
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Sen. David W. Hoyle                      Member  
North Carolina General Assembly  
Legislative Office Building, Rm 300A  
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Rep. E. Nelson Cole                      Member  
North Carolina General Assembly  
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Sen. John Hosea Kerr, III                      Member  
North Carolina General Assembly  
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Rep. Robert Mitchell Gillespie              Member  
North Carolina General Assembly  
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(919) 733-5862

Sen. Anthony Eden Rand                      Member  
North Carolina General Assembly  
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Rep. Drew Paschal Saunders                  Member  
North Carolina General Assembly  
Legislative Building, Rm 2217  
Raleigh, NC 27601-1096  
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Sen. Eric Miller Reeves                      Member  
North Carolina General Assembly  
Legislative Building, Rm 1028  
Raleigh, NC 27601-2808  
(919) 715-6400

Rep. Bonner L. Stiller                      Member  
North Carolina General Assembly  
Legislative Office Building, Rm 508  
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Rep. Keith Parker Williams                  Member  
North Carolina General Assembly  
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## LEGISLATIVE PROPOSALS

At its April 12, 2004 meeting, the Committee approved for transmittal to the 2004 session of the General Assembly the following proposals:

### **Proposal #1 Highway Trust Fund Changes**

A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE, AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.  
2003-RWz-36[v.8]

This proposal makes the following changes to the Highway Trust Fund laws:

Section 1 of the proposal redefines the routes that are part of the Intrastate Highway system.

Section 2 of the proposal authorizes use of Highway Trust Fund funds on all intrastate system routes, in addition to those listed under current law.

Section 3 of the proposal authorizes DOT to construct some segments of the intrastate system with fewer than four lanes, if projected traffic volumes and environmental considerations dictate fewer lanes. This section also lists all routes that part of the intrastate system

Section 4 of the proposal specifies that priority in use of Highway Trust Fund funds shall be given to those routes listed in G.S. 136-179, the original Highway Trust Fund project list. This section also substitutes US 321 for US 421 from Boone to the Tennessee line as an eligible route under G.S. 136-179.

Section 5 of the proposal eliminates the sunset on the Highway Trust Fund supplement for secondary roads. Under current law, the supplement would end when DOT certifies that it has funds available to pave all unpaved secondary roads in the following six years.

Section 6 of the proposal provides that, once all the Urban Loop projects of the Highway Trust Fund are complete, they would be eligible for Highway Trust Funds funds available to the Intrastate System.

The proposal would become effective when it becomes law.

### **Proposal #2 DOT Authority to Issue GARVEE Bonds**

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS, AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS.  
2003-RWz-43[v.5]

Section 1 of the proposal authorizes the Department of Transportation to issue GARVEE bonds or other eligible debt financing instruments to finance Federal-aid projects. GARVEE

bonds are Grant Anticipation Revenue Vehicles, authorized by federal law, that use anticipated future federal highway funds to finance highway project construction.

Section 2 of the proposal directs the Secretary of Transportation and the State Treasurer to form a committee to plan for implementation of the act, to identify projects that may be funded using the GARVEE bonds, and submit the plan to the co-chairs of the Transportation Appropriations Subcommittee, and the co-chairs of the Joint Legislative Transportation Oversight Committee.

The authority to issue GARVEE bonds would become effective July 1, 2005. The implementation plan would be due prior to that, on March 1, 2005.

### **Proposal #3**

#### **DOT Authority to Receive Funds from Local Government**

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

2003-RWz-40[v.4]

Section 1 of the proposal amends the powers of the Department of Transportation to authorize the Department to enter into agreements with local governments and non-profit corporations to receive funds for the purpose of advancing construction of a project identified in the Transportation Improvement Program. The proposal also provides that if DOT is required by the agreement with the local government or non-profit corporation to reimburse the funds provided, the reimbursement shall be noted in the TIP, and the reimbursement shall occur within 7 years.

The proposal would become effective when it becomes law.

### **Proposal #4**

#### **Interest on Highway Condemnation Awards**

A BILL TO BE ENTITLED AN ACT TO MODIFY THE RATE OF INTEREST ALLOWED ON HIGHWAY CONDEMNATION AWARDS.

2003-RWz-42[v.3]

Section 1 of the proposal changes the rate the interest paid on highway condemnation awards from 8%, as under current law, to the average rate earned by the State Treasurer on investments within the State's Fixed Income Investment Fund during the month preceding the date of judgment.

The proposal would become effective January 1, 2005, and apply to condemnation actions filed on or after that date.

**Proposal #5**  
**DOT Driveway Connection Changes**

A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS.  
2003-RWz-38[v.4]

Under current law, DOT can require driveway connection permit applicants to construct improvements, such as additional acceleration and deceleration lanes and medians, on any US or NC route, and on any secondary road if the *current* traffic volume at the site of the new driveway has 4,000 or more vehicles per day.

Section 1 of the proposal would amend the authority of the Department of Transportation concerning issuance of driveway connection permits in two ways:

First, the proposal would authorize DOT to require driveway permit applicants to install traffic control devices on any US or NC route, and on any secondary route that also meets the conditions described below; and

Second, the proposal would authorize DOT to require driveway permit applicants to make improvements on any secondary road where the *combined existing traffic and traffic generated by the proposed development* meets or exceeds 4,000 vehicles per day, or if DOT thinks an unsafe condition will be created.

The proposal would become effective July 1, 2004.

**Proposal # 6**  
**8-Year Drivers License/Internet DL Renewal**

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET REVIEW OF DRIVERS LICENSES.  
2003-RWz-39[v.5]

Section 1 of the proposal authorizes DMV to issue an eight-year drivers license to a person at least 18 years old but less than 57 years old, with no more than two reportable accidents and no restrictions on his or her license in the prior year, and with no more than four drivers license points. This section authorizes DMV to electronically renew for one five-year period the license of a person at least 25 years old but less than 60 years old who holds an eight-year license. This section authorizes DMV to waive the vision and sign test for a person renewing electronically.

The proposal would become effective January 1, 2005.

**Proposal # 7**  
**Staggered Issuance-Commercial/Dealer Plates**

A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

Section 1 is a conforming change to the statute governing transfer of plates to delete a prohibition on transfer of plates after December 31 of the year of issuance.

Section 2 of the proposal changes the statutes governing expiration of the registration sticker for a vehicle registered under the International Registration Plan. Under current law, all stickers expire December 31<sup>st</sup> and are valid through February 15<sup>th</sup>. This section would make the expiration date the last day of the month of renewal, but remain valid until the 15<sup>th</sup> of the next month.

Section 3 of the proposal amends the statute governing renewal of vehicle registrations to repeal a subsection providing for expiration of calendar-year plate expiration at midnight on December 31 of each year. The effect of this amendment is to authorize staggered expiration of commercial plates.

Section 4 of the proposal provides for staggered issuance of dealer license plates, and makes a conforming change to the law governing the determination of the number of dealer plates issued to dealers.

Section 5 of the proposal amends the vehicle registration fee statute to delete a reference to payment of registration fees on the first day of January.

Section 6 of the proposal amends the wrecker fee statute to delete a reference to payment of fees on the first day of January.

Section 7 of the proposal amends the semitrailer and trailer fee statute to delete a reference to payment of fees on the first day of January.

Section 8 of the proposal amends the statute authorizing partial and deferred payments for registration fees over \$400 to conform with staggered registration.

Section 9 of the proposal staggers motor vehicle dealer and manufacturers license registration.

This proposal would become effective January 1, 2005.

## **Proposal #8 Vehicle Control Signs and Signals**

A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

2003-RWz-41[v.3]

Section 1 of the proposal amends the vehicle control sign and signal law to authorize horizontal traffic signals, and to update the language of the law by deleting the word "stoplights" and substituting "traffic signals."

Section 2 of the proposal updates and clarifies existing law concerning traffic movements and red traffic signals.

Section 3 and 4 of the proposal changes the source for yellow-light duration engineering standards to the Manual on Uniform Traffic Control Devices in the red light camera laws applicable to municipalities in Wake County and the City of Concord.

This proposal would become effective July 1, 2004.

**Proposal #9**  
**DOT Retired Engineers**

A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS.  
2003-RWz-44[v.3]

Section 1 of the proposal removes the cap on post retirement earnings for retired engineers and engineering technicians.

This proposal would become effective July 1, 2004.

**Proposal #10**  
**HOV Lanes – Emergency Vehicles**

A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS.  
2003-RWz-50[v.3]

Section 1 of the proposal clarifies that persons may drive out of HOV lanes to avoid emergency vehicles, without violating HOV lane restrictions.

This proposal would become effective September 1, 2004.

**Proposal #11**  
**Public Construction Surety Bonds**

A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC CONSTRUCTION CONTRACT SURETY BOND STATUTE.  
2003-RWz-51[v.2]

Section 1 of the proposal deletes language from G.S. 58-31-66, enacted in 2003, that prohibits public entities, as part of a public building or construction project, from requiring contractors, bidders, or proposers to procure a bond from a particular surety, agent, broker or producer.

The language that would be deleted (i) allows public officers or employees (to approve the form, sufficiency or manner of execution of the surety bond selected by the bidder, (ii) allows public officers or employees to disapprove on a reasonable, nondiscriminatory basis the selected surety because of the surety's financial condition, and (iii) makes a public contract void *ab initio* if the law is violated.

Changes in this section would take effect October 1, 2004.

**Proposal #12**  
**VA-NC Interstate High-Speed Rail Compact**

A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.  
2003-RWz-2[v.7]

Section 1 of the proposal creates a VA–NC Interstate High-Speed Rail Compact, and a Commission to study and advocate for federal funds for high-speed passenger rail in the two states.

This proposal would become effective when it becomes law.

**Proposal #13**  
**DOT Technical Change**

A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.  
2003-RWz-52[v.1]

Section 1 of the proposal corrects and incorrect reference to the name of a road in the description of a Highway Trust Fund loop project.

This proposal would become effective when it becomes law.

**Proposal #14**  
**DOT Minority/Women Business Program**

A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.  
2003-RWz-55[v.1]

This proposal revises DOT's disadvantaged, minority, and women's business goals program based on a recently completed disparity study and applicable court decisions.

This proposal would become effective when it becomes law.

**Proposal #15**  
**Aggregate Truck Weight Limits**

A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING AGGREGATES.  
2003-RWz-53[v.1]

The proposal amends the weight limit laws to:

1. Exempt from the axle-group weight limits dump trucks or dump trailers transporting bulk aggregates, if the vehicle does not exceed the maximum gross weight limits.

2. It reduces by half the overweight penalty for violating the gross weight or axle-group penalty for dump trucks or dump trailers transporting bulk aggregates, if the vehicle is transporting aggregates intrastate from a site that does not have a certified scale.

3. It exempts dump trucks or dump trailers transporting bulk aggregates from axle-weight limits on posted bridges, if the vehicle does not exceed the total posted weight for the bridge.

The proposal would become effective when it becomes law.

**Proposal #16**  
**Increase Penalty – Transit Operator Assault**

A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

2003-RWz-45[v.2]

This proposal amends the criminal law of the State to increase the penalty for assaulting a public transportation operator from a Class 2 misdemeanor to a Class A1 misdemeanor. This change would authorize a judge to impose an active sentence on a first offender under this statute.

This proposal would become effective December 1, 2004, and apply to offenses committee on or after that date.

**Proposal #17**  
**Public Transit Deceleration Lamps**

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

2003-RWz-46[v.4]

This proposal would authorize the installation and use of amber colored high mounted flashing deceleration lamps to be on public transit vehicles.

This proposal would become effective July 1, 2004.

**Proposal #18**  
**Transit Drug Test**

A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYEES TO REPORT TO THE DIVISION OF MOTOR VEHICLES THE NAME OF THE EMPLOYEE AND THE RESULTS OF ANY FEDERALLY REQUIRED AND TRANSPORTATION RELATED FAILED DRUG AND ALCOHOL TEST, AND TO REQUIRE THE DIVISION TO PROVIDE THE INFORMATION IT COLLECTS TO OTHER EMPLOYERS REQUIRED BY FEDERAL LAW TO TEST TRANSPORTATION RELATED EMPLOYEES.

2003-RWz-47[v.3]

This proposal would require public transit operators and other employers to report to DMV the name of any employee who fails a federally required transportation employment related drug or alcohol test, and the results of the test, and require DMV to provide the information it collects to the other employers required by federal law to test transportation related employees.

This proposal would become effective January 1, 2005.

**Proposal #19**  
**Moped ID Tags**

A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS.  
2003-RWz-54[v.1]

This proposal would require mopeds to display identification tags, require moped dealers to attach the ID tags to vehicles, authorize moped dealers to collect up to \$25 for the tags, require moped dealers to make efforts to promote the tag requirement, and provide that failure of a moped dealer to attach the required tag, or operation of a moped on public roads, would constitute a Class 3 misdemeanor.

This proposal would become effective October 1, 2004.

**Proposal #20**  
**Workers Comp./Trucking**

A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION LAW TO CERTAIN MOTOR CARRIERS.  
2003-RW-56[v.1]

This proposal amends the laws concerning workers' compensation laws and motor carriers.

This proposal would become effective when it becomes law.

# **PROPOSAL #1**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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D

BILL DRAFT 2003-RWz-36 [v.8] (3/3)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/5/2004 2:32:38 PM

\*

Short Title: Highway Trust Fund Changes.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE  
INTRASTATE HIGHWAY SYSTEM OF THE STATE, AND TO MAKE THE  
INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-175 reads as rewritten:

"§ 136-175. **Definitions.**

The following definitions apply in this Article:

(1) Intrastate System. The network of major, multilane arterial highways composed of those ~~projects-routes, segments or corridors~~ listed in G.S. 136-~~179, 178, I-240, I-277, US-29 from I-85 to the Virginia line,~~ and any other route added by the Department of Transportation under G.S. 136-178.

(2) Transportation Improvement Program. The schedule of major transportation improvement projects required by G.S. 143B-350(f)(4).

(3) Trust Fund. The North Carolina Highway Trust Fund."

**SECTION 2.** G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four percent (4%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section for the 2003-2004 fiscal year and three and eight-tenths percent (3.8%) thereafter, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. Any funds allocated to the Authority pursuant to this subsection shall be repaid by the Authority from its toll revenue as soon as possible, subject to any restrictions included in the agreements entered into by the Authority in

1 connection with the issuance of the Authority's revenue bonds. Beginning one year after  
2 the Authority begins collecting tolls on a completed Turnpike Project, interest shall  
3 accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the  
4 State Treasurer's average annual yield on its investment of Highway Trust Fund funds  
5 pursuant to G.S. 147-6.1. Interest earned on the unpaid balance shall be deposited in the  
6 Highway Trust Fund upon repayment. The sum up to the amount anticipated to be  
7 necessary to meet the State matching funds requirements to receive federal-aid highway  
8 trust funds for the next fiscal year may be set aside for that purpose. The rest of the  
9 funds in the Trust Fund shall be allocated and used as follows:

- 10 (1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design,  
11 and construct ~~the projects~~ on segments or corridors of the Intrastate  
12 System as described in G.S. 136-~~179~~ 178 and to pay debt service on  
13 highway bonds and notes that are issued under the State Highway  
14 Bond Act of 1996 and whose proceeds are applied to these projects.
- 15 (2) Twenty-five and five hundredths percent (25.05%) to plan, design, and  
16 construct the urban loops described in G.S. 136-180 and to pay debt  
17 service on highway bonds and notes that are issued under the State  
18 Highway Bond Act of 1996 and whose proceeds are applied to these  
19 urban loops.
- 20 (3) Six and one-half percent (6.5%) to supplement the appropriation to  
21 cities for city streets under G.S. 136-181.
- 22 (4) Six and one-half percent (6.5%) for secondary road construction as  
23 provided in G.S. 136-182 and to pay debt service on highway bonds  
24 and notes that are issued under the State Highway Bond Act of 1996  
25 and whose proceeds are applied to secondary road construction.

26 The Department must administer funds allocated under subdivisions (1), (2), and (4)  
27 of this subsection in a manner that ensures that sufficient funds are available to make  
28 the debt service payments on bonds issued under the State Highway Bond Act of 1996  
29 as they become due."

30 **SECTION 3.** G.S. 136-178 reads as rewritten:

31 "**§ 136-178. Purpose and Description of Intrastate System.**

32 The Intrastate System is established to provide high-speed, safe travel service  
33 throughout the State. It connects major population centers both inside and outside the  
34 State and provides safe, convenient, through-travel for motorists. It is designed to  
35 support statewide growth and development objectives and to connect to major highways  
36 of adjoining states. All segments of the routes in the Intrastate System shall have at  
37 least four travel lanes ~~and, when except those for which projected traffic volumes and~~  
38 environmental considerations dictate fewer lanes. When warranted, segments of the  
39 Intrastate system shall have vertical separation or interchanges at crossings, more than  
40 four travel lanes, or bypasses. Access to a route in the Intrastate System is determined  
41 by travel service and economic considerations.

42 Funds allocated from the Trust Fund for the Intrastate System may be used for  
43 projects on the following route segments or corridors:  
44

1 [I-26 from Tennessee to South Carolina.](#)

2  
3 [I-40 from Tennessee to US 17 in New Hanover County.](#)

4  
5 [I-73 from South Carolina to Virginia.](#)

6  
7 [I-74 from South Carolina to Virginia.](#)

8  
9 [I-77 from South Carolina to Virginia.](#)

10  
11 [I-85 from South Carolina to Virginia.](#)

12  
13 [I-95 from South Carolina to Virginia.](#)

14  
15 [I-240 in Buncombe County.](#)

16  
17 [I-277 in Mecklenburg County.](#)

18  
19 [I-440 in Wake County.](#)

20  
21 [US 1 from South Carolina to I-85 in Vance County.](#)

22  
23 [US 13 from US 17 in Bertie County to Virginia.](#)

24  
25 [US 17 from South Carolina to Virginia.](#)

26  
27 [US 19/19E from I-26 in Madison County to NC 194 in Avery County.](#)

28  
29 [US 23/441 from Georgia to US 74 in Jackson County.](#)

30  
31 [US 29 from I-40 in Guilford County to Virginia.](#)

32  
33 [US 52 from I-74 in Surry County to I-85 in Davidson County.](#)

34  
35 [US 64 from US 52 in Davidson County to US 158 in Dare County.](#)

36  
37 [US 70 from I-40 in Wake County to NC 24 in Carteret County.](#)

38  
39 [US 74 from Tennessee to US 17 in Brunswick County, including Independence](#)  
40 [Boulevard from I-277 to I-485 in Mecklenburg County.](#)

41  
42 [US 158 from US 52 in Forsyth County to I-85 in Granville County, and from I-85 in](#)  
43 [Warren County to US 64 in Dare County.](#)

44

1 [US 221 from South Carolina to NC 105 in Avery County.](#)

2  
3 [US 264 from US 64 in Wake County to US 17 in Beaufort County.](#)

4  
5 [US 321 From South Carolina to Tennessee.](#)

6  
7 [US 421 from US 321 west of Boone in WATAUGA County to I-40 in Forsyth](#)  
8 [County, and from I-85 in Guilford County to NC 87 in Lee County.](#)

9  
10 [NC 24 from I-77 in Mecklenburg County to US 70 in Carteret County.](#)

11  
12 [NC 87 from US 421 in Lee County to US 74/76 in Columbus County.](#)

13  
14 [NC 105 from US 221 in Avery County to US 321 in Watauga County.](#)

15  
16 [NC 168 from US 158 in Currituck County to Virginia.](#)

17  
18 [NC 194 from US 19E to US 221 in Avery County.](#)

19  
20 [New route from US 158 to NC 12 including a new bridge over the Currituck Sound](#)  
21 [in Currituck County.](#)

22  
23 [Interstate routes or corridors designated by Congress or officially accepted onto the](#)  
24 [Interstate system by the United States Department of Transportation.](#)

25  
26 [Any portion of an urban loop project, as described in G.S. 136-180, that has been](#)  
27 [certified by the Department as complete and is no longer eligible for funding from the](#)  
28 [urban loop allocation specified in G.S. 136-176\(b\)\(2\).](#)

29  
30 The Department of Transportation may add a route to the Intrastate System if the  
31 route is a multilane route and has been designed and built to meet the construction  
32 criteria of the Intrastate System projects. No funds may be expended from the Trust  
33 Fund on routes added by the Department."

34 **SECTION 4.** G.S. 136-179 reads as rewritten:

35 "**§ 136-179. Projects of Intrastate System funded from Trust Fund.**

36 [Funds allocated from the Trust Fund for the Intrastate System may be used only for](#)  
37 [In the allocation of funds as specified in G.S. 136-176\(b\) \(1\), first priority shall be given](#)  
38 [to the following projects ~~of~~ on the Intrastate System:](#)

39

Route	Improvements	Affected Counties
40 I-40	41 Widening	42 Buncombe, Haywood, Guilford,
43 I-77	44 Widening	45 Wake, Durham
		46 Mecklenburg

1	I-85	Widening	Durham, Orange, Alamance,
2			Guilford, Cabarrus, Mecklenburg,
3			Gaston
4	I-95	Widening	Halifax
5	US-1	Complete 4-laning from Henderson	
6		to South Carolina Line (including	
7		6-laning of Raleigh Beltline)	Vance, Franklin, Wake, Chatham,
8			Lee, Moore, Richmond
9	US-13	Complete 4-laning from	
10		Virginia Line to US-17	Gates, Hertford, Bertie
11	US-17	Complete 4-laning from Virginia	
12		Line to South Carolina Line	
13		(including Washington, New Bern,	
14		and Jacksonville Bypasses)	Camden, Pasquotank,
15			Perquimans, Chowan, Bertie,
16			Martin, Beaufort, Craven, Jones,
17			Onslow, Pender, New Hanover,
18			Brunswick
19	US-19/		
20	US-19E	Complete 4-laning from US-23	
21		to NC 194 in Ingalls	Madison, Yancey, Mitchell,
22			Avery
23	US-19	Complete 4-laning	Cherokee, Macon, Swain
24	US-23	Complete 4-laning and upgrading	
25		existing 4-lanes from Tennessee	
26		Line to I-240	Madison, Buncombe
27	US-23-441	Complete 4-laning from	
28		US-19/US-74 to Georgia Line	Macon
29	US-52	Complete 4-laning from I-77 to	
30		Lexington (including	
31		new I-77 Connector)	Surry, Davidson
32	US-64	Complete 4-laning from Raleigh	
33		to Coast (including freeway	
34		construction from I-95 to US-17)	Edgecombe, Pitt, Martin,
35			Washington, Tyrrell, Dare
36	US-64	Complete 4-laning from	
37		Lexington to Raleigh	Davidson, Randolph, Chatham,
38			Wake
39	US-70	Complete 4-laning from Raleigh	
40		to Morehead City (including	
41		Clayton, Goldsboro, Kinston,	
42		Smithfield-Selma, and Havelock	
43		Bypasses predominately freeways	
44		on predominately new locations)	Wake, Johnston, Wayne, Lenoir,

1			Craven
2	US-74	Complete 4-laning from Charlotte	
3		to US-17 (including multilaning of	
4		Independence Blvd. in Charlotte,	
5		and Bypasses of Monroe,	
6		Rockingham, and Hamlet)	Mecklenburg, Union, Richmond,
7			Robeson, Columbus
8	US-74	Complete 4-laning from	
9		I-26 to I-85	Polk, Rutherford
10	US-158	Complete 4-laning from	
11		Winston-Salem to Whalebone	Forsyth, Guilford, Rockingham,
12			Caswell, Person, Granville,
13			Vance, Warren, Halifax,
14			Northampton, Gates, Hertford,
15			Pasquotank, Camden, Currituck,
16			Dare
17		New bridge over Currituck Sound	Currituck
18	US-221	Complete 4-laning from	
19		Linville to South Carolina	Avery, McDowell, Rutherford
20	US-220	Complete 4-laning from	
21		I-40 to US-1	Guilford, Randolph, Montgomery,
22			Richmond
23	US-220/		
24	NC-68	Complete 4-laning from Virginia	
25		Line to I-40	Rockingham, Guilford
26	US-264	Complete 4-laning from US-64 to	
27		Washington (including Wilson and	
28		Greenville Bypasses) (including	
29		freeway construction from	
30		I-95 to Greenville)	Wilson, Greene, Pitt
31	US-321	Complete 4-laning from <del>Boone-</del>	<a href="#">Avery</a> , Caldwell, Catawba,
32		<a href="#">Tennessee Line</a> to South Carolina	Lincoln, <del>Gaston</del> <a href="#">Gaston</a> , <a href="#">Watauga</a>
33		Line	
34	US-421	Complete 4-laning from	
35		<a href="#">Tennessee Line-US 321 west</a>	
36		<a href="#">of Boone</a> to I-40	Watauga, Wilkes, Yadkin
37	US-421	Complete 4-laning from Greensboro	
38		to Sanford (including Bypass	
39		of Sanford)	Chatham, Lee
40	NC-24	Complete 4-laning from Charlotte	
41		to Morehead City	Mecklenburg, Cabarrus, Stanly,
42			Montgomery, Moore, Harnett,
43			Cumberland, Sampson, Duplin,
44			Onslow, Carteret

1	NC-87	Complete 4-laning from Sanford	
2		to US-74	Lee, Harnett, Cumberland,
3			Bladen, Columbus
4	NC-105	Complete 4-laning from Boone	
5		to Linville	Watauga, Avery
6	NC-168	Complete multilaning from	
7		Virginia Line to US-158	Currituck
8	NC-194	Complete 4-laning from	
9		US-19E to US-221	Avery"

10           **SECTION 5.** G.S. 136-182 reads as rewritten:

11   "**§ 136-182. Supplement for secondary road construction.**

12       Funds are allocated from the Trust Fund to increase allocations for secondary road  
13 construction made under G.S. 136-44.2A so that all State-maintained unpaved  
14 secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be  
15 paved by the 2009-2010 fiscal year. ~~This supplement shall be discontinued when the~~  
16 ~~Department of Transportation certifies that, with funds available from sources other~~  
17 ~~than the Trust Fund, all State-maintained unpaved secondary roads, regardless of their~~  
18 ~~traffic vehicular equivalent, can be paved during the following six years.~~ If all the  
19 State-maintained roads in a county have been paved under G.S. 136-44.7, except those  
20 that have unavailable rights-of-way or for which environmental permits cannot be  
21 approved to allow for paving, then the funds may be used for safety improvements on  
22 the paved or unpaved secondary roads in that county. ~~If the supplement is discontinued~~  
23 ~~before the Trust Fund terminates, the funds that would otherwise be allocated under this~~  
24 ~~section shall be added to the allocation from the Trust Fund for projects of the Intrastate~~  
25 ~~System."~~

26           **SECTION 6.** G.S. 136-185 reads as rewritten:

27   "**§ 136-185. Maintenance reserve created in certain circumstances.**

28       If the Highway Trust Fund has not terminated but all contracts for the projects of the  
29 Intrastate System described in G.S. 136-179 have been let and the amount collected and  
30 allocated for the Intrastate System is enough to pay the contracts and retire any bonds  
31 issued under the State Highway Bond Act of 1996 for projects of the Intrastate System,  
32 all subsequent allocations of revenue for the Intrastate System shall be credited to a  
33 reserve account within the Trust Fund. Revenue in this reserve may be used only to  
34 maintain the projects of the Intrastate System.

35       If the Highway Trust Fund has not terminated but all contracts for the urban loops  
36 described in G.S. 136-180 have been let and the amount collected and allocated for the  
37 urban loops is enough to pay the contracts and retire any bonds issued under the State  
38 Highway Bond Act of 1996 for the urban loops, then all urban loops shall be considered  
39 a part of the Intrastate System, and all subsequent allocations of revenue for the urban  
40 loops shall be credited to a reserve the Intrastate account within the Trust Fund.  
41 ~~Revenue in this reserve may be used only to maintain the urban loops."~~

42           **SECTION 7.** This act is effective when it becomes law.

# **PROPOSAL #2**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

U

D

**BILL DRAFT 2003-RWz-43 [v.5] (3/4)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/15/2004 10:37:56 AM**

Short Title: DOT Authority to Issue GARVEE Bonds.

(Public)

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Sponsors: .

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS,  
AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF  
TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN  
IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-18 is amended by adding a new subsection to read:

"(12b) To issue "GARVEE" bonds (Grant Anticipation Revenue Vehicles) or other eligible debt financing instruments to finance Federal-aid projects using federal funds to pay a portion of principal, interest, and related bond issuance costs, as authorized by 23 U.S.C. § 122, as amended (the National Highway System Designation Act of 1995, Pub. L. 104-59). The State Treasurer shall develop and adopt appropriate debt instruments, as authorized by the State and Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, for use under this subdivision."

**SECTION 2.** The Secretary of the Department of Transportation and the State Treasurer shall jointly form a committee to develop a plan to implement the provisions of this act. The plan shall address all financial, legal, and practical issues involved in issuing "GARVEE" bonds. The plan shall also include any projects the Department of Transportation proposes to fund with "GARVEE" bonds. The two Departments shall jointly submit their implementation plan to the co-chairs of the Transportation Appropriations Subcommittee, and the co-chairs of the Joint Legislative Transportation Oversight Committee by March 1, 2005.

**SECTION 3.** Section 1 of this act becomes effective July 1, 2005. The remainder of this act becomes effective when it becomes law.

# **PROPOSAL #3**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

U

D

**BILL DRAFT 2003-RWz-40 [v.4] (3/4)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/1/2004 3:07:15 PM**

Short Title: DOT Authority to Receive Funds from Local Gov. (Public)

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Sponsors: .

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE  
CONSTRUCTION SCHEDULE OF TIP PROJECTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-18 is amended by adding a new subdivision to read:

"(38) To enter into agreements with municipalities, counties, governmental entities, or non-profit corporations to receive funds for the purpose of advancing the construction schedule of a project identified in the Transportation Improvement Program. If these funds are subject to repayment by the Department, prior to receipt of funds, reimbursement of all funds received by the Department shall be shown in the existing Transportation Improvement Program and shall be reimbursed within seven years of receipt."

**SECTION 2.** This act is effective when it becomes law.

# **PROPOSAL #4**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-42 [v.3] (3/4)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/1/2004 3:50:40 PM

Short Title: Interest on Highway Condemnation Awards.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE RATE OF INTEREST ALLOWED ON HIGHWAY  
CONDEMNATION AWARDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-113 is amended as follows:

"§ 136-113. **Interest as a part of just compensation.**

To said amount awarded as damages by the commissioners or a jury or judge, the judge shall, as a part of just compensation, add interest at the ~~legal rate as provided in G.S. 24-1~~ average rate earned by the State Treasurer on investments within the State's Short Term Fixed Income Investment Fund during the month preceding the date of judgment on said amount from the date of taking to the date of judgment; but interest shall not be allowed from the date of deposit on so much thereof as shall have been paid into court as provided in this Article."

**SECTION 2.** This act becomes effective January 1, 2005 and applies to condemnation actions filed on or after that date.

# **PROPOSAL #5**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-38 [v.4] (03/03)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/1/2004 5:22:36 PM

Short Title: DOT Driveway Connection Changes.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF  
TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE  
HIGHWAYS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-18(29) reads as rewritten:

**"§ 136-18. Powers of Department of Transportation.**

(29) The Department of Transportation may establish policies and adopt rules about the size, location, direction of traffic flow, and the construction of driveway connections into any street or highway which is a part of the State Highway System. The Department of Transportation may require the construction and public dedication of acceleration and deceleration lanes, ~~and~~ traffic storage ~~lanes~~ lanes, traffic control devices, and medians by others for the driveway connections ~~into~~ onto any United States route, or North Carolina route, and on any secondary road route ~~with an~~ where the combined existing traffic and projected traffic generated by the proposed development meets or exceeds an average daily traffic volume of 4,000 vehicles per day or ~~more~~ if, in the opinion of the Department of Transportation, an unsafe condition will be created."

**SECTION 2.** This act becomes effective July 1, 2004.

# **PROPOSAL #6**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-39 [v.5] (03/03)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/6/2004 1:41:02 PM

Short Title: 8-Year Drivers License/Internet DL Renewal.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. —~~The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license may be issued for a shorter duration if the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration issued by the United States Department of State. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five. A drivers license issued to a person at least 18 year old but less than 57 years old expires 8 years after the date of issuance, or on the person's 60<sup>th</sup> birthday, whichever is earlier. A driver's license issued to a person at least 60 years old expires five years after the date of issuance. A person who has no more than two reportable accidents on his or her driver license record in the previous year, no restrictions on his or her driver license record in the previous year, who has four or fewer drivers license points, and at least 25 years old and less than 60 years old, may renew his or her license electronically for one five year period. A person who holds a commercial driver license and is required by federal regulations to be retested shall not renew electronically. The electronic renewal shall only be used as an extension of an eight-year drivers license period. The Division may waive the vision and sign tests for applicants renewing electronically. At the expiration of any five-year~~

1 | electronic renewal period, the person shall renew his or her driver's license in person at  
2 | a driver's license office.

3 | A drivers license that was issued by the Division and is renewed by the Division  
4 | expires five years at the end of the period provided by this subsection after the  
5 | expiration date of the license that is renewed unless the Division determines that a  
6 | license of shorter duration should be issued when the applicant holds a visa of limited  
7 | duration from the United States Department of State. A person may apply to the  
8 | Division to renew a license during the 180-day period before the license expires. The  
9 | Division may not accept an application for renewal made before the 180-day period  
10 | begins.

11 | The Division may renew by mail a driver's license issued by the Division to a person  
12 | who meets any of the following descriptions:

13 | (1) Is serving on active duty in the armed forces of the United States and is  
14 | stationed outside this State.

15 | (2) Is a resident of this State and has been residing outside the State for at least  
16 | 30 continuous days.

17 | When renewing a license by mail, the Division may waive the examination that  
18 | would otherwise be required for the renewal and may impose any conditions it finds  
19 | advisable. A license renewed by mail is a temporary license that expires 60 days after  
20 | the person to whom it is issued returns to this State."

21 | **SECTION 2.** This act becomes effective January 1, 2005.

# **PROPOSAL #7**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

U

D

BILL DRAFT 2003-RWz-37 [v.6] (3/3)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/6/2004 1:57:34 PM

Short Title: Staggered Issuance-Commercial/Dealer Plates.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL  
LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE  
DEALERS AND MANUFACTURERS LICENSES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-64(a) reads as rewritten:

"(a) Except as otherwise provided in this Article, registration plates shall be retained by the owner thereof upon disposition of the vehicle to which assigned, and may be assigned to another vehicle, belonging to such owner and of a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon proper application to the Division and payment of a transfer fee and such additional fees as may be due because the vehicle to which the plates are to be assigned requires a greater registration fee than that vehicle to which the license plates were last assigned. In cases where the plate is assigned to another vehicle belonging to such owner, and is not of a like vehicle category within the meaning of G.S. 20-87 and 20-88, the owner shall surrender the plate to the Division and receive therefore a plate of the proper category, and the unexpired portion of the fee originally paid by the owner for the plate so surrendered shall be a credit toward the fee charged for the new plate of the proper category. Provided, that the owner shall not be entitled to a cash refund when the registration fee for the vehicle to which the plates are to be assigned is less than the registration fee for that vehicle to which the license plates were last assigned. ~~Provided, however, registration plates may not be transferred under this section after December 31 of the year for which issued.~~ An owner assigning or transferring plates to another vehicle as provided herein shall be subject to the same assessments and penalties for use of the plates on another vehicle or for improper use of the plates, as he could have been for the use of the plates on the vehicle to which last assigned. Provided, however, that upon compliance with the requirements of this section, the registration plates of vehicles

1 owned by and registered in the name of a corporation may be transferred and assigned  
2 to a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon the  
3 showing that the vehicle to which the transfer and assignment is to be made is owned by  
4 a corporation which is a wholly owned subsidiary of the corporation applying for such  
5 transfer and assignment."

6 **SECTION 2.** G.S. 20-66(g) reads as rewritten:

7 "(g) When Renewal Sticker Expires. – The registration of a vehicle that is  
8 renewed by means of a registration renewal sticker expires at midnight on the last day  
9 of the month designated on the sticker. It is lawful, however, to operate the vehicle on a  
10 highway until midnight on the fifteenth day of the month following the month in which  
11 the sticker ~~expired if the vehicle is not registered under the International Registration~~  
12 ~~Plan. If the vehicle is registered under the International Registration Plan, it is not~~  
13 ~~lawful to operate the vehicle on a highway after the sticker expires.~~ expired. The  
14 Division may vary the expiration dates of registration renewal stickers issued for a type  
15 of vehicle so that an approximately equal number expires at the end of each month,  
16 quarter, or other period consisting of one or more months. When the Division  
17 implements registration renewal for a type of vehicle by means of a renewal sticker, it  
18 may issue a registration renewal sticker that expires at the end of any monthly ~~interval~~  
19 ~~beginning at nine months and ending at eighteen months.~~ interval."

20 **SECTION 3.** G.S. 20-66(h) is repealed.

21 **SECTION 4.** G.S. 20-79 reads as rewritten:

22 **"§ 20-79. Dealer license plates.**

23 (a) How to Get a Dealer Plate. – A dealer licensed under Article 12 of this  
24 Chapter may obtain a dealer license plate by filing an application with the Division and  
25 paying the required fee. An application must be filed on a form provided by the  
26 Division. The required fee is the amount set by G.S. 20-87(7).

27 (b) Number of Plates. – A dealer who was licensed under Article 12 of this  
28 Chapter for the previous 12-month period ending ~~April 30-December 31~~ may obtain the  
29 number of dealer license plates allowed by the following table; the number allowed is  
30 based on the number of motor vehicles the dealer sold during the relevant 12-month  
31 period and the average number of qualifying sales representatives the dealer employed  
32 during that same 12-month period:

<u>Vehicles Sold In Relevant</u>	<u>Maximum Number of Plates</u>
<u>12-Month Period</u>	
Fewer than 12	1
At least 12 but less than 25	4
At least 25 but less than 37	5
At least 37 but less than 49	6
49 or more	At least 6, but no more than 4 times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

39  
40  
41  
42  
43 A dealer who was not licensed under Article 12 of this Chapter for part or all of the  
44 previous 12-month period ending ~~April 30-December 31~~ may obtain the number of

1 dealer license plates that equals four times the number of qualifying sales  
2 representatives employed by the dealer on the date the dealer files the application. A  
3 "qualifying sales representative" is a sales representative who works for the dealer at  
4 least 25 hours a week on a regular basis and is compensated by the dealer for this work.

5 A dealer who sold fewer than 49 motor vehicles the previous 12-month period  
6 ending ~~April 30-December 31~~ but has sold at least that number since ~~May 1-January 1~~  
7 may apply for additional dealer license plates at any time. The maximum number of  
8 dealer license plates the dealer may obtain is the number the dealer could have obtained  
9 if the dealer had sold at least 49 motor vehicles in the previous 12-month period ending  
10 ~~April 30-December 31~~.

11 A dealer who applies for a dealer license plate must certify to the Division the  
12 number of motor vehicles the dealer sold in the relevant period. Making a material  
13 misstatement in an application for a dealer license plate is grounds for the denial,  
14 suspension, or revocation of a dealer's license under G.S. 20-294.

15 A dealer engaged in the alteration and sale of specialty vehicles may apply for up to  
16 two dealer plates in addition to the number of dealer plates that the dealer would  
17 otherwise be entitled to under this section.

18 (c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except  
19 for the requirement that the plate display the registration number of a motor vehicle and  
20 the requirement that the plate be a "First in Flight" plate. In addition, a dealer license  
21 plate must have a distinguishing symbol identifying the plate as a dealer license plate.

22 A dealer license plate is issued for a ~~fiscal year beginning July 1 and ending June 30-~~  
23 ~~period of one year. During the fiscal year for which it is issued, a dealer may transfer a~~  
24 ~~dealer license plate from one vehicle to another. The Division shall vary the expiration~~  
25 ~~dates of dealer registration renewals so that an approximately equal number expires at~~  
26 ~~the end of each month, quarter or other period consisting of one or more months. A~~  
27 ~~dealer may transfer a dealer license plate from one vehicle to another. When the~~  
28 ~~Division issues a dealer plate, it may issue a registration that expires at the end of any~~  
29 ~~monthly interval.~~ When one of the following occurs, a dealer must surrender to the  
30 Division all dealer license plates issued to the dealer:

- 31 (1) The dealer surrenders the license issued to the dealer under Article 12  
32 of this Chapter.
- 33 (2) The Division suspends or revokes the license issued to the dealer under  
34 Article 12 of this Chapter.
- 35 (3) The Division rescinds the dealer license plates because of a violation  
36 of the restrictions on the use of a dealer license plate.

37 To obtain a dealer license plate after it has been surrendered, the dealer must file a  
38 new application for a dealer license plate and pay the required fee for the plate.

39 (d) Restrictions on Use. – A dealer license plate may be displayed only on a  
40 motor vehicle that meets all of the following requirements:

- 41 (1) Is part of the inventory of the dealer.
- 42 (2) Is not consigned to the dealer.
- 43 (3) Is covered by liability insurance that meets the requirements of Article  
44 9A of this Chapter.

- 1 (4) Is not used by the dealer in another business in which the dealer is  
2 engaged.
- 3 (5) Is driven on a highway by a person who carries a copy of the  
4 registration card for the dealer plates issued to the dealer while driving  
5 the motor vehicle and who meets one of the following descriptions:
- 6 a. Has a demonstration permit to test-drive the motor vehicle and  
7 carries the demonstration permit while driving the motor  
8 vehicle.
- 9 b. Is an officer or sales representative of the dealer and is driving  
10 the vehicle for a business purpose of the dealer.
- 11 c. Is an employee of the dealer and is driving the vehicle in the  
12 course of employment.

13 A dealer may issue a demonstration permit for a motor vehicle to a person licensed  
14 to drive that type of motor vehicle. A demonstration permit authorizes each person  
15 named in the permit to drive the motor vehicle described in the permit for up to 96  
16 hours after the time the permit is issued. A dealer may, for good cause, renew a  
17 demonstration permit for one additional 96-hour period.

18 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the  
19 disposal of a person except as authorized by this subsection.

20 (e) Sanctions. – The following sanctions apply when a motor vehicle displaying a  
21 dealer license plate is driven in violation of the restrictions on the use of the plate:

- 22 (1) The individual driving the motor vehicle is responsible for an  
23 infraction and is subject to a penalty of fifty dollars (\$50.00).
- 24 (2) The dealer to whom the plate is issued is subject to a civil penalty  
25 imposed by the Division of two hundred dollars (\$200.00).
- 26 (3) The Division may rescind all dealer license plates issued to the dealer  
27 whose plate was displayed on the motor vehicle.

28 A penalty imposed under subdivision (1) of this subsection is payable to the county  
29 where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under  
30 subdivision (2) of this subsection shall be credited to the Highway Fund as nontax  
31 revenue.

32 (f) Transfer of Dealer Registration. – No change in the name of a firm, partnership  
33 or corporation, nor the taking in of a new partner, nor the withdrawal of one or more of  
34 the firm, shall be considered a new business; but if any one or more of the partners  
35 remain in the firm, or if there is change in ownership of less than a majority of the stock,  
36 if a corporation, the business shall be regarded as continuing and the dealers' plates  
37 originally issued may continue to be used."

38 **SECTION 5.** G.S. 20-87 reads as rewritten:

39 "**§ 20-87. Passenger vehicle registration fees.**

40 These shall be paid to the Division ~~annually, as of the first day of January, annually~~  
41 for the registration and licensing of passenger vehicles, fees according to the following  
42 classifications and schedules:

- 43 (1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is  
44 operated for compensation and has a capacity of 15 passengers or less

1 is seventy-eight dollars (\$78.00). The fee for a passenger vehicle that  
2 is operated for compensation and has a capacity of more than 15  
3 passengers is one dollar and forty cents (\$1.40) per hundred pounds of  
4 empty weight of the vehicle.

- 5 (2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:
- |    |                         |                              |                        |
|----|-------------------------|------------------------------|------------------------|
| 6  | Motorcycles:            | 1-passenger capacity .....   | \$18.00                |
| 7  |                         | 2-passenger capacity .....   | 22.00                  |
| 8  |                         | 3-passenger capacity .....   | 26.00                  |
| 9  | Automobiles:            | 15 or fewer passengers ..... | \$41.00                |
| 10 | Buses:                  | 16 or more passengers .....  | \$1.40                 |
| 11 |                         |                              | per hundred            |
| 12 |                         |                              | pounds of empty weight |
| 13 | Trucks under 7,000      |                              |                        |
| 14 | pounds that do not haul |                              |                        |
| 15 | products for hire:      | 4,000 pounds .....           | \$41.50                |
| 16 |                         | 5,000 pounds .....           | \$51.00                |
| 17 |                         | 6,000 pounds .....           | \$61.00.               |

18 (3) Repealed by Session Laws 1981, c. 976, s. 3.

19 (4) Limousine Vehicles. – For-hire passenger vehicles on call or demand  
20 which do not solicit passengers indiscriminately for hire between  
21 points along streets or highways, shall be taxed at the same rate as  
22 for-hire passenger vehicles under G.S. 20-87(1) but shall be issued  
23 appropriate registration plates to distinguish such vehicles from  
24 taxicabs.

25 (5) Private Passenger Vehicles. – There shall be paid to the Division  
26 annually, as of the first day of January, for the registration and  
27 licensing of private passenger vehicles, fees according to the following  
28 classifications and schedules:

29 Private passenger vehicles of not more than fifteen  
30 passengers  
31 .....\$20.  
32 00

33 Private passenger vehicles over fifteen passengers .....

34 23.00  
35 Provided, that a fee of only one dollar (\$1.00) shall be charged for any  
36 vehicle given by the federal government to any veteran on account of  
37 any disability suffered during war so long as such vehicle is owned by  
38 the original donee or other veteran entitled to receive such gift under  
39 Title 38, section 252, United States Code Annotated.

40 (6) Private Motorcycles. – The base fee on private passenger motorcycles  
41 shall be nine dollars (\$9.00); except that when a motorcycle is  
42 equipped with an additional form of device designed to transport  
43 persons or property, the base fee shall be sixteen dollars (\$16.00). An  
44 additional fee of three dollars (\$3.00) is imposed on each private

1 motorcycle registered under this subdivision in addition to the base  
2 fee. The revenue from the additional fee, in addition to any other funds  
3 appropriated for this purpose, shall be used to fund the Motorcycle  
4 Safety Instruction Program created in G.S. 115D-72.

- 5 (7) Dealer License Plates. – The fee for a dealer license plate is the regular  
6 fee for each of the first five plates issued to the same dealer and is  
7 one-half the regular fee for each additional dealer license plate issued  
8 to the same dealer. The "regular fee" is the fee set in subdivision (5) of  
9 this section for a private passenger motor vehicle of not more than 15  
10 passengers.
- 11 (8) Driveaway Companies. – Any person engaged in the business of  
12 driving new motor vehicles from the place of manufacture to the place  
13 of sale in this State for compensation shall pay a fee of one-half of the  
14 amount that would otherwise be payable under this section for each set  
15 of plates.
- 16 (9) House Trailers. – In lieu of other registration and license fees levied on  
17 house trailers under this section or G.S. 20-88, the registration and  
18 license fee on house trailers shall be seven dollars (\$7.00) for the  
19 license year or any portion thereof.
- 20 (10) Special Mobile Equipment. – The fee for special mobile equipment for  
21 the license year or any part of the license year is two times the fee in  
22 subdivision (5) for a private passenger motor vehicle of not more than  
23 15 passengers.
- 24 (11) Any vehicle fee determined under this section according to the weight  
25 of the vehicle shall be increased by the sum of three dollars (\$3.00) to  
26 arrive at the total fee.
- 27 (12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as  
28 the fee for private passengers vehicles of not more than 15  
29 passengers."

30 **SECTION 6.** G.S. 20-88(b)(6) reads as rewritten:

31 | "(6) There shall be paid to the Division annually ~~as of the first of January,~~  
32 the following fees for "wreckers" as defined under G.S. 20-4.01(50): a  
33 wrecker fully equipped weighing 7,000 pounds or less, seventy-five  
34 dollars (\$75.00); wreckers weighing in excess of 7,000 pounds shall  
35 pay one hundred forty-eight dollars (\$148.00). Fees to be prorated  
36 | ~~quarterly.~~ monthly. Provided, further, that nothing herein shall prohibit  
37 a licensed dealer from using a dealer's license plate to tow a vehicle for  
38 a customer."

39 **SECTION 7.** G.S. 20-88(c) reads as rewritten:

40 (c) The fee for a semitrailer or trailer is ten dollars (\$10.00) for each year or part  
41 | of a year. The fee is payable ~~on or before January 1 of~~ each year. Upon the application  
42 of the owner of a semitrailer or trailer, the Division may issue a multiyear plate and  
43 registration card for the semitrailer or trailer for a fee of seventy-five dollars (\$75.00). A  
44 multiyear plate and registration card for a semitrailer or trailer are valid until the owner

1 transfers the semitrailer or trailer to another person or surrenders the plate and  
2 registration card to the Division. A multiyear plate may not be transferred to another  
3 vehicle.

4 The Division shall issue a multiyear semitrailer or trailer plate in a different color  
5 than an annual semitrailer or trailer plate and shall include the word "multiyear" on the  
6 plate. The Division may not issue a multiyear plate for a house trailer."

7 **SECTION 8.** G.S. 20-94 reads as rewritten:

8 "**§ 20-94. Partial payments.**

9 In the purchase of licenses, where the gross amount of the license fee to any one  
10 owner amounts to more than four hundred dollars (\$400.00), half of such payment may,  
11 if the Commissioner is satisfied of the financial responsibility of such owner, be  
12 deferred until June 1 six months from the month of renewal in any calendar year upon  
13 the execution to the Commissioner of a draft upon any bank or trust company upon  
14 forms to be provided by the Commissioner in an amount equivalent to one half of such  
15 fee, plus a carrying charge of three percent (3%) of the deferred portion of the license  
16 fee: Provided, that any person using any tag so purchased after the first day of June six  
17 months from the month of renewal in any such year without having first provided for  
18 the payment of such draft, shall be guilty of a Class 2 misdemeanor. No further license  
19 plates shall be issued to any person executing such a draft after the due date of any such  
20 draft so long as such draft or any portion thereof remains unpaid. Any such draft being  
21 dishonored and not paid shall be subject to the penalties prescribed in G.S. 20-178 and  
22 shall be immediately turned over by the Commissioner to his duly authorized agents  
23 and/or the State Highway Patrol, to the end that this provision may be enforced. When  
24 the owner of the vehicles for which a draft has been given sells or transfers ownership to  
25 all vehicles covered by the draft, such draft shall become payable immediately, and such  
26 vehicles shall not be transferred by the Division until the draft has been paid. Any one  
27 owner whose gross license fee amounts to more than two hundred dollars (\$200.00) but  
28 not more than four hundred dollars (\$400.00) may also be permitted to sign a draft in  
29 accordance with the foregoing provisions of this section provided such owner makes  
30 application for the draft on ~~or before February 1~~ during the ~~license renewal~~  
31 ~~period.~~month of renewal."

32 **SECTION 9.** G.S. 20-288(c) reads as rewritten:

33 (c) All licenses that are granted shall expire one year from the date issued unless  
34 ~~sooner~~ revoked or ~~suspended, on June 30 of the year following date of~~  
35 ~~issue.~~suspended."

36 **SECTION 10.** This act becomes effective January 1, 2005.

# **PROPOSAL #8**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-41 [v.3] (03/04)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/4/2004 6:05:33 PM

Short Title: Vehicle Control Signs and Signals.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 20-158(a)(3) reads as rewritten:

5 "(3) At intersections and other appropriate places, by erecting or installing  
6 steady-beam ~~stoplights~~ traffic signals and other traffic control devices,  
7 signs, or signals. All steady-beam ~~stoplights~~ traffic signals emitting  
8 alternate red and green lights shall be arranged so that the red light in  
9 vertical-arranged signal faces shall appear ~~at the top of the signaling~~  
10 ~~unit and the green light shall appear at the bottom of the signaling~~  
11 ~~unit above, and in horizontal-arranged signal faces shall appear to the~~  
12 left, of all yellow and green lights."

13 SECTION 2. G.S. 20-158(b)(2) reads as rewritten:

14 "(2) Vehicles facing a red light controlling traffic ~~passing straight through~~  
15 approaching an intersection ~~from a steady or strobe beam stoplight~~  
16 traffic signal shall not enter the intersection while the ~~steady or strobe~~  
17 ~~beam stoplight traffic signal~~ is emitting ~~a the~~ red light ~~controlling~~  
18 ~~traffic passing straight through an intersection;~~ provided that, except  
19 where prohibited by an appropriate sign, vehicular traffic facing a red  
20 light controlling traffic ~~passing straight through approaching~~  
21 an intersection, after coming to a complete stop at the intersection, may  
22 enter the intersection to make a right turn but such vehicle shall yield  
23 the right-of-way to pedestrians and to other traffic using the  
24 intersection. When the ~~stoplight traffic signal~~ is emitting a steady  
25 yellow circular light on a traffic signal controlling traffic ~~passing~~  
26 ~~straight through~~ approaching an intersection or a steady yellow arrow  
27 light on a traffic signal controlling traffic turning at an intersection,

1 vehicles facing the yellow light are warned that the related green light  
2 is being terminated or a red light will be immediately forthcoming.  
3 When the ~~stoplight-traffic signal~~ is emitting a steady green light,  
4 vehicles may proceed with due care through the intersection subject to  
5 the rights of pedestrians and other vehicles as may otherwise be  
6 provided by law."

7 **SECTION 3.** G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286,  
8 reads as rewritten:

9 "(e) The duration of the yellow light change interval at intersections where traffic  
10 control photographic systems are in use shall be no less than the yellow light change  
11 interval duration ~~specified in the Design Manual developed by the Signals and~~  
12 ~~Geometrics Section of the North Carolina Department of Transportation~~on the traffic  
13 signal plan of record signed and sealed by a licensed North Carolina Professional  
14 Engineer in accordance with Chapter 89C of the General Statutes, and shall be in full  
15 conformance with the requirements of the Manual on Uniform Traffic Control  
16 Devices."

17 **SECTION 4.** G.S. 160A-300.3(e), as enacted by Section 3 of S.L. 2001-286,  
18 reads as rewritten:

19 "(e) The duration of the yellow light change interval at intersections where traffic  
20 control photographic systems are in use shall be no less than the yellow light change  
21 interval duration specified ~~in the Design Manual developed by the Signals and~~  
22 ~~Geometrics Section of the North Carolina Department of Transportation~~on the traffic  
23 signal plan of record signed and sealed by a licensed North Carolina Professional  
24 Engineer in accordance with Chapter 89C of the General Statutes, and shall be in full  
25 conformance with the requirements of the Manual on Uniform Traffic Control  
26 Devices."

27 **SECTION 5.** This act becomes effective July 1, 2004.

# **PROPOSAL #9**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

U

D

BILL DRAFT 2003-RWz-44 [v.3] (3/4)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/4/2004 6:12:12 PM

Short Title: DOT Retired Engineers.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT  
OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 135-3(8) is amended by adding a new sub-subdivision to  
read:

"c1. The computation of postretirement earnings of a beneficiary under sub-subdivision c. of this subdivision who has been retired at least six months and has not been employed in any capacity with the Department of Transportation for at least six months immediately preceding the effective date of reemployment, shall not include earnings while the beneficiary is employed with the Department of Transportation as an engineer or engineering technician. The Department of Transportation shall certify to the Retirement System that a beneficiary is employed by the Department of Transportation as a retired engineer or retired engineering technician.

A 'retired engineer' or 'retired engineering technician' means a beneficiary of the Teachers' and State Employees' Retirement System of the State of North Carolina who has been retired at least six months, has not been employed in any capacity the Department of Transportation for at least six months immediately preceding the effective date of reemployment, is determined by the Department of Transportation to have had satisfactory performance during the last year of employment, and who is employed as an engineer or engineering technician. A retired engineer or engineering technician shall be treated the

1  
2  
3  
4  
5

same as a probationary employee except that a retired engineer or engineering technician is not eligible for career status.

Beneficiaries employed under this sub-subdivision are not entitled to any benefits otherwise provided under this Chapter as a result of this period of employment."

**SECTION 2.** This act becomes effective July 1, 2004.

# **PROPOSAL #10**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

U

D

**BILL DRAFT 2003-RWz-50 [v.3] (4/4)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/6/2004 2:32:00 PM**

Short Title: HOV Lanes - Emergency Vehicles.

(Public)

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Sponsors: .

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM  
HOV LANE RESTRICTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 146.2(a) reads as rewritten:

"(a) HOV Lanes. – The Department of Transportation may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway System and cities may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with a specified number of passengers as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When HOV lanes have been designated, and have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated buses, and automobiles or other vehicles containing the specified number of persons. Where access restrictions are applied on HOV lanes through designated signing and pavement markings, vehicles shall only cross into or out of an HOV lane at designated openings—openings, unless the vehicle moves out of the lane to avoid an emergency vehicle, in accordance with G.S. 20-157(f). A motor vehicle shall not travel in a designated HOV lane if the motor vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions shall not apply to motorcycles or vehicles designed to transport 15 or more passengers, regardless of the actual number of occupants. HOV lane restrictions shall not apply to emergency vehicles. As used in this subsection, the term "emergency vehicle" means any law enforcement, fire, police, or other government vehicle, and any public and privately owned ambulance or emergency service vehicle, when responding to an emergency."

**SECTION 2.** This act becomes effective September 1, 2004, and applies to offenses committed on or after that date.

# **PROPOSAL #11**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-51 [v.2] (4/4)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/4/2004 10:04:36 PM

Short Title: Public Construction Surety Bonds.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PUBLIC CONSTRUCTION CONTRACT SURETY  
BOND STATUTE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 58-31-66 reads as rewritten:

"§ 58-31-66. **Public construction contract surety bonds.**

(a) Neither the State nor any county, city, or other political subdivision of the State, or any officer, employee, or other person acting on behalf of any such entity shall, with respect to any public building or construction contract, require any contractor, bidder, or proposer to procure a bid bond, payment bond, or performance bond from a particular surety, agent, producer, or broker.

~~(b) Nothing in this section prohibits an officer or employee acting on behalf of the State or a county, city, or other political subdivision of the State from:~~

~~(1) Approving the form, sufficiency, or manner of execution of the surety bonds furnished by the surety selected by the bidder to underwrite the bonds.~~

~~(2) Disapproving, on a reasonable, nondiscriminatory basis, the surety selected by the bidder to underwrite the bonds because of the financial condition of the surety.~~

~~(c) A violation of this section renders the public building or construction contract void ab initio."~~

**SECTION 2.** This act becomes effective July 1, 2004.

# **PROPOSAL #12**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-2 [v.7] (12/9)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
3/23/2004 4:00:52 PM

Short Title: VA-NC Interstate High-Speed Rail Compact.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE  
HIGH-SPEED RAIL COMPACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 136 of the General Statutes is amended by adding a  
new Article to read:

"Article 18

Virginia-North Carolina Interstate High-Speed Rail Compact

**"§ 136-220. Compact Established.**

Pursuant to the invitation in 49 U.S.C. 24101 (Interstate Compacts), in which the United States Congress grants consent to states with an interest in a specific form, route, or corridor of intercity passenger rail service (including high-speed rail service) to enter into interstate compacts, there is hereby established the Virginia-North Carolina Interstate High-Speed Rail Compact.

**"§ 136-221. Agreement.**

The Commonwealth of Virginia and the State of North Carolina agree, upon adoption of this compact:

(1) To study, develop and promote a plan for the design, construction, financing, and operation of interstate high-speed rail service through and between points in the Commonwealth of Virginia and the State of North Carolina, and adjacent states.

(2) To coordinate efforts to establish high-speed rail service at the federal, State, and local governmental levels;

(3) To advocate for federal funding to support the establishment of high-speed interstate rail service within and through Virginia and North Carolina and to receive federal funds made available for rail development.

1 (4) To provide funding and resources to the Virginia-North Carolina High-Speed  
2 Rail Compact Commission from funds that are or may become available and are  
3 appropriated for that purpose.

4 **"§ 136-222. Commission Established; Appointment and Terms of Members;**  
5 **Chairman; Reports; Commission Funds; Staff.**

6 (a) Commission established. -- The Virginia-North Carolina High-Speed Rail  
7 Compact Commission is hereby established as a regional instrumentality and a common  
8 agency of each signatory party, empowered in a manner hereinafter to carry out the  
9 purposes of the Compact.

10 (b) Members, terms – The Virginia members of the Commission shall be appointed  
11 as follows: three members of the House of Delegates, appointed by the Speaker of the  
12 House of Delegates, and two members of the Senate, appointed by the Senate  
13 Committee on Rules. The North Carolina members of the Commission shall be  
14 composed of five members as follows: two members of the Senate appointed by the  
15 General Assembly upon recommendation of President Pro Tempore of the Senate, two  
16 members of the House of Representatives appointed by the General Assembly upon  
17 recommendation of the Speaker of the House of Representatives, and one appointed by  
18 the Governor.

19 (c) Chair. – The chair of the Commission shall be chosen by the members of the  
20 Commission from among its membership for a term of one year, and shall alternate  
21 between the member states.

22 (d) Meetings and reports. —The Commission shall meet at least twice each year, at  
23 least once in Virginia and once in North Carolina, and shall issue a report of its  
24 activities each year.

25 (e) Funds.—The Commission may utilize, for its operation and expenses, funds  
26 appropriated to it therefore by the legislatures of Virginia and North Carolina, or  
27 received from federal sources.

28 (f) Expenses of Members. – Virginia members of the Commission shall receive  
29 compensation and reimbursement for expenses in accordance with the applicable laws  
30 of that State. North Carolina members of the Commission shall receive per diem,  
31 subsistence and travel allowances in accordance with G.S. 120-31., G.S. 138-5, or G.S.  
32 138-6, as appropriate.

33 (g) Staff. –Primary staff to the Commission shall be provided by the Virginia  
34 Department of Rail and Public Transportation and the North Carolina Department of  
35 Transportation.

36 **SECTION 2.** This act becomes effective when it becomes law.

# **PROPOSAL #13**



# **PROPOSAL #14**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-55 [v.1] (4/8)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/8/2004 3:23:24 PM

Short Title: DOT Minority/Women Businesses Program.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING  
3 PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN  
4 BUSINESSES IN HIGHWAY CONSTRUCTION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 136-28.4 reads as rewritten:

7 "§ 136-28.4. State policy concerning participation by ~~disadvantaged~~  
8 disadvantaged, minority, and women businesses in highway contracts.

9 (a) It is the policy of this ~~State~~State, based on a compelling governmental  
10 interest, to encourage and promote participation by ~~disadvantaged-disadvantaged,~~  
11 minority, and women businesses in contracts let by the Department pursuant to this  
12 Chapter for the design, construction, alteration, or maintenance of State highways,  
13 roads, streets, or bridges and in the procurement of materials for these projects. All State  
14 agencies, institutions, and political subdivisions shall cooperate with the Department of  
15 Transportation and all other State agencies, institutions, and political subdivisions in  
16 efforts to encourage and promote the use of ~~disadvantaged-disadvantaged, minority, and~~  
17 women businesses in these contracts.

18 (b) ~~A ten percent (10%) goal is established for participation by minority~~  
19 ~~businesses and a five percent (5%) goal for participation by women businesses is~~  
20 ~~established in contracts let by the Department of Transportation for the design,~~  
21 ~~construction, alteration, or maintenance of State highways, roads, streets, or bridges and~~  
22 ~~for the procurement of materials for these projects. The Department of Transportation~~  
23 ~~shall endeavor to award to minority businesses at least ten percent (10%), by value, of~~  
24 ~~the contracts it lets for these purposes, and shall endeavor to award to women~~  
25 ~~businesses at least five percent (5%), by value, of the contracts it lets for these purposes.~~  
26 ~~The Department shall adopt written procedures specifying the steps it will take to~~  
27 ~~achieve these goals. The Department shall give equal opportunity for contracts it lets~~

1 ~~without regard to race, religion, color, creed, national origin, sex, age, or handicapping~~  
2 ~~condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise~~  
3 ~~qualified. At least every five years, the Department shall conduct a study on the~~  
4 ~~availability and utilization of minority-owned and women-owned business enterprises~~  
5 ~~and evidence of race-based and gender-based discrimination against such business~~  
6 ~~enterprises in contracts for design, construction, alteration, or maintenance of State~~  
7 ~~highways, roads, streets, or bridges and for the procurement of materials for these~~  
8 ~~projects. Should the study show evidence of historical and continuing discrimination~~  
9 ~~that prevents minority businesses and women businesses from participating in the above~~  
10 ~~contracts at a level which would have existed absent such discrimination, such evidence~~  
11 ~~shall constitute a basis for the State's continued compelling governmental interest in~~  
12 ~~eliminating the effects of historical race and gender discrimination in highway~~  
13 ~~contracting. Should the study show continued effects of such discrimination, the~~  
14 ~~Department shall, in conformity with State and federal law, adopt by rule and contract~~  
15 ~~provisions a specific program of good-faith goals for the participation in contracting~~  
16 ~~opportunities by minority businesses and women businesses that the study demonstrates~~  
17 ~~continue to suffer the effects of such discrimination. Further, the Department is~~  
18 ~~authorized to establish specific project goals for participation by minority businesses~~  
19 ~~and women businesses. Nothing in this statute shall authorize the use of set-asides,~~  
20 ~~quotas, sheltered markets or bid preferences. Any program implemented as a result of~~  
21 ~~the study conducted in accordance with this section shall be narrowly tailored to~~  
22 ~~eliminate the effects of historical and continuing discrimination and its impacts on such~~  
23 ~~minority business and women business enterprises with a minimum of burden on other~~  
24 ~~contractors. The Department shall give equal opportunity for contracts it lets without~~  
25 ~~regard to race, religion, color, creed, national origin, sex, age, or handicapping~~  
26 ~~condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise~~  
27 ~~qualified.~~

28 (e) ~~The following definitions apply in this section:~~

29 (1) ~~"Disadvantaged business" has the same meaning as in 49 C.F.R. § 23.62.~~

30 (2) ~~"Minority" has the same meaning as in 49 C.F.R. § 23.5.~~

31 (d) ~~The Department shall report annually to the Joint Legislative Transportation~~  
32 ~~Oversight Committee on the utilization of minority businesses and women businesses~~  
33 ~~and any program adopted to promote contracting opportunities for those businesses.~~  
34 ~~Following each study of availability and utilization, the Department shall report to the~~  
35 ~~Joint Legislative Transportation Oversight Committee on the results of the study for the~~  
36 ~~purpose of determining whether the provisions of this section should continue in force~~  
37 ~~and effect.~~

38 (e) ~~This section expires August 31, 2009."~~

39 **SECTION 2.** This act is effective when it becomes law.

# **PROPOSAL #15**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

U

D

**BILL DRAFT 2003-RWz-53 [v.1] (4/5)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/5/2004 2:36:08 PM**

Short Title: Aggregate Truck Weight Limits.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING  
AGGREGATES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-118(c) is amended by adding a new subdivision to read:

"(16) Subdivisions (b) and (e) of this section do not apply to a dump truck or dump trailer transporting bulk aggregates, if the vehicle does not exceed the maximum gross weight allowed in subsection (b) of this section.

**SECTION 2.** G.S. 20-118(e) is amended by adding a new subdivision to read:

"(6) The penalty for violating the gross weight or axle-group weight by a dump truck or dump trailer vehicle transporting bulk aggregate materials intrastate from a site that does not have a certified scale for weighing the vehicle is one-half of the amount it otherwise would be under subdivision (1) of this section."

**SECTION 3.** G.S. 20-118 is amended by adding a new subsection to read:

"(1) The axle weight limits of this section do not apply to a dump truck or dump trailer transporting bulk aggregates on a posted bridge, if the vehicle does not exceed the posted weight for bridge."

**SECTION 4.** This act is effective when it becomes law.

# **PROPOSAL #16**



# **PROPOSAL #17**



# **PROPOSAL #18**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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D

**BILL DRAFT 2003-RWz-47 [v.3] (03/05)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
3/5/2004 4:48:29 PM**

Short Title: Transit Drug Test.

(Public)

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Sponsors: .

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYEES TO REPORT TO THE DIVISION OF MOTOR VEHICLES THE NAME OF THE EMPLOYEE AND THE RESULTS OF ANY FEDERALLY REQUIRED AND TRANSPORTATION RELATED FAILED DRUG AND ALCOHOL TEST, AND TO REQUIRE THE DIVISION TO PROVIDE THE INFORMATION IT COLLECTS TO OTHER EMPLOYERS REQUIRED BY FEDERAL LAW TO TEST TRANSPORTATION RELATED EMPLOYEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-37.03 Transportation System Driver Drug and Alcohol Test Records.**

(a) Notification Required.—The employer of any employee who fails a Federal Transit Administration or the Federal Highway Administration required drug or alcohol test shall notify the Division of Motor Vehicles within 30 days following the employer's receipt of the employee's drug test. The employer shall provide the employee's name and the results of the test, if the employee has consented in writing prior to the drug or alcohol test to the submittal to the Division.

(b) Release of Information.—The Division of Motor Vehicles shall provide information received pursuant to this section to any employer who is required by the Federal Transit Administration or the Federal Highway Administration pursuant to federal law to test employees for drugs or alcohol."

**SECTION 2.** This act becomes effective January 1, 2005.

# **PROPOSAL #19**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-54 [v.1] (4/6)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/6/2004 4:09:11 PM

Short Title: Moped ID Tags.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 3 of Chapter 20 of the General Statutes is amended by  
5 adding a new Part to read:

6 "Part 3B. Moped Identification Tags.

7 "§ 20-71.6. Moped identification tags.

8 (a) Tags Required. – Every moped, as defined in G.S. 105-164.3 and operated in  
9 the State, shall display a permanent identification tag. The tag must display information  
10 for identification and enforcement purposes and be approved by the Commissioner.

11 (b) Duties of Moped Dealer. – A moped dealer shall attach the approved tag to  
12 each moped sold by the dealer in this State. The moped dealer may collect a one-time  
13 only fee not exceeding twenty-five dollars (\$25.00) from the purchaser of the new or  
14 used moped. Moped dealers shall make an effort to promote awareness of the tag  
15 requirement.

16 (c) Violations. – A moped dealer who fails to attach a tag to a moped at the time  
17 of sale or a person who operates a moped upon the public highways and streets of this  
18 State without displaying the tag is guilty of a Class 3 misdemeanor."

19 SECTION 2. This act becomes effective October 1, 2004.

# **PROPOSAL #20**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

U

D

BILL DRAFT 2003-RWz-56 [v.2] (4/13)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
4/14/2004 9:55:24 AM

Short Title: Workers' Comp./Trucking.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION  
LAW TO CERTAIN MOTOR CARRIERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 97-19.1 reads as rewritten:

**"§ 97-19.1. Truck, tractor, or truck tractor trailer driver's status as employee or independent contractor.**

An individual in the interstate or intrastate carrier industry who operates a truck, tractor, or truck tractor trailer licensed by a governmental motor vehicle regulatory agency may be an employee or an independent contractor under this Article dependent upon the application of the common law test for determining employment ~~status~~status and any individual found to be an employee shall be subject to workers' compensation coverage pursuant to G.S. 97-93 unless otherwise exempt.

Any interstate or intrastate motor carrier shall be considered the contractor in relation to any individual driver found to be an independent contractor who shall be considered as the subcontractor and their relationship shall be subject to the provisions of G.S. 97-19.

A contractor and subcontractor may agree in writing that the contractor shall cover the subcontractor, or the subcontractor and the subcontractor's employees, under a blanket insurance policy of the contractor to allow the contractor to charge back the cost of the coverage to the subcontractor.

~~Any principal contractor, intermediate contractor, or subcontractor, irrespective of whether such contractor regularly employs three or more employees, who contracts with an individual in the interstate or intrastate carrier industry who operates a truck, tractor, or truck tractor trailer licensed by a governmental motor vehicle regulatory agency and who has not secured the payment of compensation in the manner provided for employers set forth in G.S. 97-93 for himself personally and for his employees and subcontractors, if any, shall be liable as an employer under this Article for the payment of compensation and other benefits on account of the injury or death of the independent contractor and his~~

~~employees or subcontractors due to an accident arising out of and in the course of the performance of the work covered by such contract.~~

~~The principal contractor, intermediate contractor, or subcontractor may insure any and all of his independent contractors and their employees or subcontractors in a blanket policy, and when insured, the independent contractors, subcontractors, and employees will be entitled to compensation benefits under the blanket policy.~~

~~A principal contractor, intermediate contractor, or subcontractor may include in the governing contract with an independent contractor in the interstate or intrastate carrier industry who operates a truck, tractor, or truck tractor trailer licensed by a governmental motor vehicle regulatory agency an agreement for the independent contractor to reimburse the cost of covering that independent contractor under the principal contractor's, intermediate contractor's, or subcontractor's coverage of his business."~~

**SECTION 2.** This act is effective when it becomes law.

